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House Bill _____
By _____

Senate No. SB1318
By Cohen

a*40-33

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Title 40, Chapter 33, and Title 53, Chapter 11, relative to the proceeds from drug offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-420, is amended by deleting subsections (a) through (c) in their entirety and by substituting instead the following:

(a) Except as provided in subsection (d), all fines and forfeitures of appearance bonds received from the violation of the provisions of this part and which are specifically set forth in this part shall be paid to the county or city governing body of the jurisdiction which initiated the arrest. All fines and forfeitures resulting from cases and actions of the Tennessee bureau of investigation shall be paid to the state treasurer, to be used only as appropriated by the general assembly; and all fines and forfeitures resulting from cases and actions of motor carrier enforcement officers of the public service commission shall be paid into the state general fund. Fines and forfeitures received as a result of the application of other provisions of the law shall be disposed of as otherwise provided.

(b) Except as provided in subsection (d), the proceeds of goods seized and forfeited under the provisions of § 53-11-451 and disposed of according to law shall

inure to the benefit of the county or city governing body whose law enforcement personnel seized the goods. All fines and forfeitures resulting from cases and actions of the Tennessee bureau of investigation shall be paid to the state treasurer, to be used only as appropriated by the general assembly. If such goods are seized by a combination of the Tennessee bureau of investigation, county and city law enforcement personnel, the court ordering disposal of the same shall determine the allocation of proceeds upon disposition of such goods. In all other cases, such goods and the proceeds therefrom shall be disposed of as otherwise provided by law.

(c) Except as provided in subsection (d), all fines and forfeitures of appearance bonds received from the violation of the provisions of this part and which are specifically set forth in this part, the proceeds of goods seized and forfeited under the provisions of § 53-11-451 and disposed of according to law that arise from the activities of a judicial district drug task force shall be paid to the county governing body of the county from which such proceeds are received.

SECTION 2. Tennessee Code Annotated, Section 37-17-420, is further amended by deleting subsection (g) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 39-17-428, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Any fine collected pursuant to subdivision (b)(1) shall be allocated to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction.

SECTION 4. Tennessee Code Annotated, Section 53-11-451(d)(4), is amended by deleting the language “utilize the proceeds for the drug enforcement program of the county in which the property was seized” and by substituting instead the language “remit the proceeds to the governing body of the county from which the property was seized”.

SECTION 5. Tennessee Code Annotated, Section 40-33-211, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) The proceeds from all seizures, confiscations and sales made by a state agency pursuant to the provisions of §§ 39-14-307, 47-25-1105, 53-11-451, 57-3-411, 67-4-1020 and 70-6-202, shall be transmitted to the state treasurer and deposited in the state treasury. All such seizures, confiscations and sales made by county or municipal law enforcement personnel shall be paid to the county or city governing body, respectively. All such seizures, confiscations and sales derived from the activities of a judicial district drug task force shall be paid to the county governing body of the county from which such proceeds are received.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

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